IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

CEDRIC THOMPSON

Plaintiff

v.

JOHN TIDWELL, ET AL.

Defendants

Case No. 5:24cv23-RWS-JBB

ORDER

Plaintiff Cedric Thompson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged deprivations of his constitutional rights. Docket No. 1. The lawsuit was referred to the United States Magistrate Judge. On July 8, 2024, Plaintiff was ordered to file, within thirty days, an amended complaint setting out a short and plain statement of his claims, alleging sufficient facts which, taken as true, state a claim for relief which is plausible on its face. Docket No. 7. Plaintiff acknowledged receipt of the order on or before August 28, 2024. Docket No. 10. Plaintiff failed to comply with the order.

Therefore, on October 18, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that the above lawsuit be dismissed without prejudice for failure to obey an order of the Court. Docket No. 12. The Magistrate Judge also recommended that the statute of limitations be suspended for a period of sixty days from the date of entry of final judgment in the case and recommended that any claims for which limitations had already expired when the complaint was filed should not be affected by the suspension of the limitations period. *Id.* at 2–3. Plaintiff received a copy of this Report on October 24, 2024, but has filed no objections. Docket No. 13. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations. Moreover, except upon grounds of plain

error, an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 12) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-entitled and numbered cause of action is DISMISSED WITHOUT PREJUDICE for failure to obey an order of the Court.

So ORDERED and SIGNED this 24th day of January, 2025.

ROBERT W. SCHROEDER III UNITED STATES DISTRICT JUDGE